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C O N F I D E N T I A L SECTION 01 OF 03 BEIJING 003321

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SUBJECT: PRC HUMAN RIGHTS: AMBASSADOR'S MEETING WITH RIGHTS
LAWYERS

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 1B. BEIJING 02429
 1C. BEIJING 02692

Classified By: Acting Political Section Chief Ben Moeling. Reasons 1.4
(b) and (d).

Summary

11. (C) The Ambassador met December 9 with five prominent Beijing-based human rights lawyers. The lawyers reported increased harassment and political pressure due to their work on sensitive human rights and religious freedom cases and their association with the democracy manifesto Charter '08. They suggested three key areas in which the USG should focus its human rights efforts: freedom of religion, rule of law and minority rights. The lawyers described these as "breakthrough" issues and said that progress in these areas could lead, organically, to larger change. End Summary.

Lawyers Report on the Current Human Rights Environment

12. (C) On December 9, Ambassador Huntsman met with five prominent human rights lawyers to discuss the overall human rights situation in China and to discuss their views on USG human rights efforts in China. The group included: Jiang Tianyong of the Beijing Globe Law Firm, Li Fangping of the Beijing Ruifeng Law Firm, Wang Guangze, Dai Jinbo of the Institute of Holy Mountain Cultural Studies, and Zhang Kai of the Yijia Law Firm.

13. (SBU) All five lawyers testified before the Tom Lantos Human Rights Commission on October 29, 2009. Upon return to China, Jiang Tianyong was temporarily detained November 18 and again on November 19. All of the lawyers reported harassment of varying types and degrees of severity, including restrictions on their freedom of movement. Zhang Kai said that he had been beaten by police in May 2009. Wang Guangze, a Charter '08 signer said that he was unable to find work and that government harassment had now extended to his family members, with his wife being visited at her workplace by security officials.

14. (C) In addition to their personal difficulties, the lawyers agreed that the overall human rights environment in China had deteriorated in recent years. Increased pressure on house churches was one of the most notable recent trends, Li Fangping said. Dai Jinbo, of the Institute of Holy Mountain Cultural Studies, agreed, saying that the troubles faced recently by the Linfen church in Shanxi province, the Shouwang church in Beijing and the Wanbang church in Shanghai were good examples of this increased pressure. He suggested that the Chinese government had focused on these three prominent house churches in order to deter other house churches that might be seeking to grow. However, Dai did note a distinction in the treatment of urban house churches,

such as Shouwang which had been allowed to rent new space in which to worship, and rural house churches, such as Linfen, whose leaders had recently been sentenced to between 3 and 7 years in prison. Zhang Kai, a lawyer who works primarily on Christian religious freedom cases, concurred, noting that individuals associated with house churches had recently been receiving harsher sentences than the same "crimes" would have drawn in the past. He highlighted the case of Uighur Christian Alimujiang Yimiti, who was sentenced to 15 years' imprisonment in early December for "providing state secrets to overseas organizations." Zhang noted that he had originally represented Yimiti, but police had forced him to withdraw from the case because he was "involved."

¶15. (C) Jiang Tianyong pointed out that, while it was undeniable that in the last 30 years China had made progress in economic development and human rights, since 2005, and especially in 2008 and 2009, China had entered its "worst period" of rights abuses. He cited pressure on rights lawyers, NGOs, and an increase in the severity of sentences meted out in religious cases as particularly egregious violations. In 2009, a record number of lawyers had lost their licenses during the annual evaluation process. From the 1990s through 2007, NGOs had been allowed to develop freely but in the past two years, pressure on NGOs had increased, as seen in the cases of Gongmeng (Open Constitution Initiative) and Yirenping (reftel B).

¶16. (C) Jiang speculated that several factors contributed to these troubling trends. As a result of rapid development of the civil society sector, the Chinese Communist Party felt pressured and had used opportunities such as the Olympics and

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the 2009 sixtieth anniversary of the founding of the PRC as excuses to step up pressure on NGOs and activists, in the name of social stability. Economic factors also played a role, Jiang continued, against the backdrop of a successful Olympics behind them and U.S. economic difficulties, China had renewed confidence that it "did not have to pay attention to pressure from the EU and the United States on human rights issues."

¶17. (SBU) The Ambassador thanked the lawyers for the difficult, and at times dangerous, work that they have undertaken. He underscored the United States' firm commitment to advancing human rights in China and ensuring respect for basic freedoms, individual liberties and opportunities. Minority rights, civil society, individual cases, and religious freedom were all key areas of USG focus in China, the Ambassador said. The United States was looking to the first Human Rights Dialogue since May 2008 as an opportunity to get results. The Ambassador asked the lawyers to highlight two or three key human rights priorities in China where progress could be made and which could exert a domino effect in other areas.

Minority Rights

¶18. (C) Li Fangping highlighted minority rights as a primary issue of concern, noting that the situation in the Xinjiang Autonomous Region (XUAR) remained serious, as evidenced by the continued internet blackout in there and the closed trials of riot defendants. XUAR residents were being denied the basic legal right to hire the lawyer of their choosing. Persistent ethnic tensions had far-reaching implications for the development of rule of law and civil society in China, Li said. In Tibet, the situation was marginally better than in Xinjiang, but serious rule of law problems were also pervasive there. Individual Tibetans involved in the March 14 riots did not have the ability to exercise their rights to a defense. Li and Jiang had both recently defended a case in Tibet, but were told by officials to withdraw from the case just before it entered the sentencing phase.

Freedom of Religion

¶19. (C) Wang Guangze emphasized the importance of freedom of religion and urged pressing the Chinese to address the status of house churches by providing them a legal means to register with the government. Jiang Tianyong said house churches have developed to such an extent that the government should now face reality and offer greater protection of religious belief. Wang also urged the United States to address the situation of house churches directly with the Chinese government through the Human Rights Dialogue. Zhang Kai and Dai Jinbo agreed, characterizing religious freedom as the most important human rights related issue. Zhang suggested that religious belief could erode communist ideology and lead to the protection of rights in other areas. Dai described freedom of religion as a "breakthrough" issue for other freedoms, such as freedom of association and freedom of speech.

Rule of Law

¶10. (C) Zhang requested that during the Human Rights Dialogue the United States take up the issue of the government's stripping rights lawyers of their licenses. These lawyers were denied even the basic right to engage in their own profession, Zhang said. Jiang echoed this concern, noting that supporting the community of rights lawyers was critical to broader human rights issues in Chinese society.

Internet Freedom

¶11. (C) In addition to the above three areas, the lawyers identified other potential areas for progress. Wang Guangze raised freedom of speech, particularly internet freedom, as an area where progress could be "relatively easy." He suggested the USG call for dropping restrictions on the Internet. Jiang observed that Internet freedom was an important aspect of freedom of speech.

Liu Xiaobo

¶12. (C) The lawyers urged greater international attention to the case of Liu Xiaobo, the author of the pro-democracy manifesto Charter '08. (Note: Liu was formally arrested in

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June 2009 and formally charged with inciting subversion on December 11.) The lawyers, some of whom were signatories of the Charter, said that a favorable resolution of the Liu Xiaobo case would result in a significant easing of the political pressure they were experiencing themselves. However, Wang predicted that if Liu were convicted pressure on others would increase.

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